

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**JOHN CHAVIS,
ADC #141259**

PLAINTIFF

v.

Case No. 4:15-cv-00139-KGB-JTK

JONES, et al.

DEFENDANTS

ORDER

The Court has received the Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney (Dkt. No. 14). After a review of the Proposed Findings and Recommendations, and the timely objections thereto (Dkt. No. 16), as well as a *de novo* review of the record, the Court adopts them in their entirety. Accordingly, it is therefore ordered that:

1. Plaintiff's amended complaint against defendants Franks, Lindsey Paxton, Dan Roberts, Earl Phillips, and the Arkansas Department of Correction is dismissed with prejudice for failure to state a claim upon which relief may be granted (Dkt. No. 12).

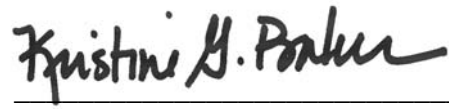
2. Defendant Jones is dismissed without prejudice.

3. This dismissal is considered a "strike" within the meaning of the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(g).

4. The Court certifies that an *in forma pauperis* appeal from the Order and Judgment dismissing this action will not be taken in good faith. 28 U.S.C. § 1915(a)(3).

An appropriate Judgment shall accompany this Order.

SO ORDERED this the 5th day of June, 2015.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive style with a horizontal line underneath.

KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE